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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,866	03/12/2004	Corrado Saverio Parmigiani	PARMIGIANI6	6612

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EXAMINER

WAGGONER, TIMOTHY R

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,866	Applicant(s) PARMIGIANI, CORRADO SAVERIO	
	Examiner Timothy R. Waggoner	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1,3,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The Abstract exceeds the 150 word limit and uses language that should not be used in an abstract. The term "said" and the introduction "the dispenser pack comprises" and similar language should not appear in the abstract.

Claim Objections

Claim 1 is objected to because of the following informalities: In line 2 the phrase "characterized by comprising" is redundant. The phrase "characterized by" should be deleted. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: In line 6 of the phrase "characterized by comprising" is redundant. The phrase "characterized by" should be deleted. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: In line 1 of claim 6 the phrase "characterized by comprising" is redundant. The phrase "characterized by" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3651

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,3,4, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "of the end" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the loose article" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the chamber" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "it" in line 7. It is unclear what limitation applicant is referring to by the use of the term.

Claim 7 recites the limitations "a projection (39)" and "the section (39)" in lines 4 and 5. The claim is made unclear by having both limitations calling the same reference number but with differing language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Faircloth, Jr. USPN 5,860,742.

Art Unit: 3651

Faircloth, Jr. discloses a flexible bag dispenser comprising:

- (Re claim 1) “a limp container of yieldable material having a mouth” (12 figure 1)
- (Re claim 1) “a rigid dispensing head joined to the container mouth” (10 figure 1)
- (Re claim 1) “an outlet ... for dispensing the articles ... in a controlled manner” (28,26 figure 1)

Faircloth, Jr. further discloses:

- (Re claim 2) said limp container “is in the form of a limp tube having one end closed on it self” (12 figure 1)

Claims 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Picerno USPN 5,484,089.

Picerno discloses Pill bottle and dispensing cap combination comprising:

- (Re claim 3) “a container for containing loose articles” (12 figure 1)
- (Re claim 3) “a dispensing head having ... means for dispensing the articles ... in a controlled manner” (40 figure 1)
- (Re claim 3) “dispensing element arranged to project outwards from the dispensing head” (96 figure 5)
- (Re claim 3) “dispensing cavity able to receive, virtually as an exact fit, one article at a time” (110 figure 6)

Picerno further discloses:

Art Unit: 3651

- (Re claim 4) “dispenser element is arranged to assume 2 stable positions” (figure 9 and figure 8)
- (Re claim 5) “dispensing element is able to rotate about a hinge” (118,78 figure 7)

Claims 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Williamson
USPN 2,472,871.

Williamson discloses a dispensing container comprising:

- (Re claim 3) “a container for containing loose articles” (13 figure 1)
- (Re claim 3) “a dispensing head having ... means for dispensing the articles ... in a controlled manner” (11 figure 1)
- (Re claim 3) “dispensing element arranged to project outwards from the dispensing head” (24 figure 2)
- (Re claim 3) “dispensing cavity able to receive, virtually as an exact fit, one article at a time” (24 figure 8)

Williamson further discloses:

- (Re claim 4) “dispenser element is arranged to assume 2 stable positions” These positions are the closed position (figure 1) and the Partial open or obstructed position (not shown).
- (Re claim 5) “dispensing element is able to rotate about a hinge” (30 figure 2)
- (Re claim 6) “elastic flat spring which undergoes elastic deformation ... to maintain the element in its closed or open position” (27 figure 10)

Claim 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbert USPN 2,086,296.

Gilbert discloses a box unloading device comprising:

- (Re claim 3) “a container for containing loose articles” (1,3,4 figure 3)
- (Re claim 3) “a dispensing head having ... means for dispensing the articles ... in a controlled manner” (figure 5)
- (Re claim 3) “dispensing element arranged to project outwards from the dispensing head” (figure 2)
- (Re claim 3) “dispensing cavity able to receive, virtually as an exact fit, one article at a time” (figure 2)

Gilbert further discloses:


- (Re claim 7) “there is provided a projection ... to halt the travel, towards the dispensing cavity” (12 figure 2)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571)272-8204. The examiner can normally be reached on Mon-Fri 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRW



GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER